

Application No. 09/264,432
Amendment "H" dated August 19, 2004
Reply to Office Action mailed July 8, 2004

REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on August 3, 2004. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The latest Office Action, mailed July 8, 2004, considered claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44 and 46-58. Claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44 and 46-58 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement¹. As discussed during the interview, however, the rejections to the drawings and the rejections under 35 U.S.C. § 112 should be withdrawn in view of the claim amendments made by this paper. In particular, the claim amendments made by this paper remove the ambiguity regarding which programming information is associated with the user profile.

By this paper, new claims 59-71 have been added, claim 48 has been cancelled, and each of the independent claims 44, 49 and 54 have also been amended, such that claims 4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46-47 and 49-71 now remain pending for examination².

The claim amendments made by this paper are directed to the allowable subject matter corresponding to previously presented claim 45, which is now cancelled. In particular, the claim amendments clarify that the profile used to select the advertisement for selection to a user includes only information corresponding to a most recently viewed television program³, and does not include information corresponding to less recently viewed television programming. This subject matter, which corresponds to the subject matter previously objected to, but otherwise found allowable, is neither anticipated by nor obviated by the art of record for at least the reasons discussed during the interview and presented in previous amendments.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Claim 48 has been cancelled inasmuch as the scope of claim 48 is also being pursued in claim 34. Support for the claim amendments and new claims is drawn from various passages in the specification, including, but not limited to, p. 20, ll. 9-14, p. 21, ll. 12-15, p. 17, ll. 3-6, and p. 23, ln. 12 thru p. 24, ln. 24.

³ It should be noted that support for the limitation (in which the profile is based solely on a most recently viewed television program) was specifically addressed during the interview and found to be supported by the disclosure provided on page 17 of the specification. Accordingly, the corresponding rejection made in the last action regarding lack of support in the specification for said profile being based solely on a most recently viewed television program should now be withdrawn.

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As further discussed during the interview, other subject matter also appears to distinguish the claimed invention from the art of record. In particular, as now recited in dependent claims 59-71, the invention also includes novel embodiments corresponding to updating the user profile each time a request for a document is made (claim 60), updating the profile when an internet session is started (claim 61), updating the profile daily (claim 62), and updating the profile whenever new programming is viewed (claims 63-65). Other claims are directed to categorizing the profile by television topic (claims 66-68) and retaining the profile information for only a set period of time (claims 69-71).

The foregoing claim embodiments do not appear to be anticipated or obviated by the art of record, as discussed during the interview. Accordingly, Applicants respectfully submit that the pending claims (4, 5, 7, 8, 14, 15, 19, 33-42, 44, 46-47 and 49-71) should now be found in condition for prompt allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 18 day of August 2004.

Respectfully submitted,



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